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**Sustainable development: follow-up to and implementation of the Mauritius Strategy for the Further Implementation of the Programme of Action for the Sustainable Development of Small Island Developing States**

# Towards the sustainable development of the Caribbean Sea for present and future generations

## Report of the Secretary-General

*Summary*

The present report was prepared in response to General Assembly resolution 63/214, in which the Assembly requested the Secretary-General to report to it at its sixty-fifth session on the implementation of the resolution, including a section on the possible legal and financial implications of the concept of the Caribbean Sea as a special area within the context of sustainable development, including its designation as such without prejudice to relevant international law, taking into account the views expressed by Member States and relevant regional organizations. A report of the Association of Caribbean States on progress made in the implementation of the resolution is contained in the annex.

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# I. Introduction

1. In its resolution 63/214 entitled "Towards the sustainable development of the Caribbean Sea for present and future generations", the General Assembly called on the United Nations system and the international community to assist, as appropriate, Caribbean countries and their regional organizations in their efforts to ensure the protection and sustainable management of the Caribbean Sea and requested the Secretary-General to report to it at its sixty-fifth session on the status of the implementation of the resolution and to include in the report a section on the possible legal and financial implications of the concept of the Caribbean Sea as a special area within the context of sustainable development, including its designation as such without prejudice to relevant international law, taking into account the views expressed by Member States and relevant regional organizations.

2. The present report is based on inputs from the United Nations system, relevant regional organizations, and Member States.[1] Taking note of the efforts of the member States of the Association of Caribbean States and the work undertaken by the Caribbean Sea Commission, including the development of their concept of the Caribbean Sea as a special area within the context of sustainable development, the General Assembly invited the Association to submit a report on its progress in implementing the above-mentioned resolution (see annex).

# II. Caribbean Sea Commission

3. The Caribbean Sea Commission was established by the Association of Caribbean States in 2006 to promote a coordinated governance of the Caribbean Sea for the wider Caribbean region and to support the ongoing regional initiative to designate the Caribbean Sea as a special area in the context of sustainable development. The Commission provides a structure for political oversight, for the provision of technical resources and research support for users of the Caribbean Sea and promotes regional efforts towards achieving its preservation and sustainable use.

4. As detailed in the report of the Association of Caribbean States (see annex), there has been considerable progress with the institutionalization of the Caribbean Sea Commission over the past two years, evidenced by the establishment of the three subcommissions: scientific and technical; legal; and governance, outreach and public information. However, the proposed Association of Caribbean States conference of oceans and law of the sea experts, envisioned in the plan of action presented in 2008, has not yet been held since the Legal Subcommission held its inaugural meeting as recently as 16 March 2010. A key objective of the conference will be to design a legal regime that will be binding upon the membership of the Association and will govern the implementation of the declaration of the Caribbean Sea as a special area in the context of sustainable development. It is only when the

[1] Inputs were received from the following organizations and member States: Division of Legal Affairs and the Law of the Sea, Office of Legal Affairs; United Nations Conference on Trade and Development; International Labour Organization; International Maritime Organization; United Nations Development Programme; Economic Commission for Latin America and the Caribbean; United Nations Environment Programme; Convention on Biological Diversity Secretariat; Australia, Guatemala, Jamaica, Japan and Portugal.

work of the Legal Subcommission of the Caribbean Sea Commission becomes fully operationalized and the proposed conference is held that the concept of the Caribbean Sea as a special area will be further developed.

## III. Possible legal and financial implications of the concept of the Caribbean Sea as a special area within the context of sustainable development

5. In the period since the proposal for international recognition of the Caribbean Sea as a special area in the context of sustainable development was originally put forth by member States at the 1997 Caribbean Ministerial Meeting on the Programme of Action for the Sustainable Development of Small Island Developing States (Barbados Programme of Action), the particular characteristics and challenges of the Caribbean Sea have become well known. The international community recognizes that the Caribbean Sea is characterized by unique biodiversity and highly fragile ecosystems under the jurisdiction of a large and diverse group of mostly developing countries and small island developing States, which are highly dependent on their marine and coastal areas. The challenges faced by the countries and territories of the Caribbean Sea, particularly their limited capacity and financial constraints, exacerbate the difficulty of the sustainable management of such a complex area.

6. The United Nations Convention on the Law of the Sea, which sets out the legal framework within which all activities in the oceans and seas must be carried out, serves as a unifying framework for a growing number of specific international instruments, including the International Convention for the Prevention of Pollution from Ships, 1973, as modified by the Protocol of 1978 relating thereto (MARPOL), the Convention for the Protection and Development of the Marine Environment of the Wider Caribbean Region (Cartagena Convention), and the Mauritius Strategy for the Further Implementation of the Programme of Action for the Sustainable Development of Small Island Developing States (Mauritius Strategy), which implement or further develop its general provisions in the region.[2] The United Nations Convention on the Law of the Sea provides that States have the sovereign right to exploit their natural resources pursuant to their environmental policies and in accordance with their duty to protect and preserve the marine environment. It further gives specific content to the obligation to protect and preserve the marine environment. The Convention establishes the duty of States to prevent, reduce and control pollution of the marine environment from any source. While flag States have the primary duty to ensure compliance by having vessels fly their flag in accordance with applicable international rules and standards and with laws and regulations adopted according to the Convention in terms of the prevention, reduction and control of pollution of the marine environment from vessels, the Convention also grants enforcement rights to coastal and port States. The Convention has sought to balance the sovereign rights of coastal States over ocean resources, as well as the jurisdiction of coastal States, with the need to preserve the right of navigation of all States in the maritime zones under national jurisdiction.[2]

[2] Contribution of the Division for Ocean Affairs and the Law of the Sea.

7. The governance of pollution and the sustainable use of both the living and non-living resources of the Caribbean Sea is further shaped by a collection of treaties, agreements, programmes, projects and national laws. In some instances, the provisions of the various instruments are similar in scope. For example, the call for the designation of protected areas is enshrined in the Convention on Biological Diversity, Cartagena Convention, the Protocol concerning Specially Protected Areas and Wildlife to the Convention for the Protection and Development of the Marine Environment of the Wider Caribbean Region, the Barbados Programme of Action and Agenda 21. Given the limited financial and technical capacities of countries in the region, this could be overwhelming.

8. For many treaties, there appear to be significant disparities in the ratification of various instruments between independent States and the Overseas Territories of France, the Netherlands, the United Kingdom of Great Britain and Northern Ireland, and the United States of America. Independent States have the highest rates of ratification, while the Overseas Territories are significantly behind. In some instances, while the "parent" country is party to many of the conventions, its Overseas Territories in the Caribbean Sea are not. For example, the Netherlands ratified the United Nations Convention on the Law of the Sea for the Netherlands, but not for Aruba, Bonaire, Curaçao, St. Eustatius, St. Maarten and Saba. Similarly, France ratified MARPOL but not for its overseas territories in the Caribbean Sea, Saint Martin and Saint Bartholomy. Given that collectively the Overseas Territories make up over 48 per cent of all the States in the region using the Caribbean Sea's resources and impacting its ecosystems, the non-adherence of those States to treaties may be an issue for the integrated governance of the Caribbean Sea.

9. Existing instruments are not always sufficient to provide the desired level of protection for the Caribbean Sea. Although oil pollution is regulated under MARPOL, ballasting is viewed as operational discharge and is therefore not covered by its annexes.[3] Provisions for discharges under MARPOL leave a large area of open water where operational discharges are allowed. Thus, nearshore areas and marine habitats remain vulnerable to pollution given that the pattern of ocean currents can quickly and easily carry discharges to those areas. The risk is further compounded by the sometimes inadequate port reception facilities for waste in the Caribbean Sea,[4] poor surveillance and a high-intensity cruise industry. The growing container trade and the expansion of the Panama Canal will likely witness more pollution in the Caribbean Sea.

10. The concept of "special areas" is referred to in article 211, paragraph 6, of the United Nations Convention on the Law of the Sea, which addresses the measures coastal States can take in their exclusive economic zones to prevent, reduce and control pollution of the marine environment from vessels. Ships of all States enjoy freedom of navigation in the exclusive economic zone, while coastal States have jurisdiction with regard to the protection and preservation of the marine environment. The Convention recognizes the primacy of international rules and standards with respect to the prevention, reduction and control of pollution of the marine environment from vessels in the exclusive economic zone. It also recognizes

[3] Ballast waters are covered by the International Convention for the Control and Management of Ships' Ballast Water and Sediments, ratified by 26 countries as at July 2010. The convention will enter into force once ratified by 30 countries.

[4] Contribution of Jamaica.

in article 211, paragraph 6 (a), that there may be a clearly defined area of the respective exclusive economic zone of coastal States which, because of its oceanographical and ecological conditions, as well as the utilization or the protection of its resources and the particular character of its traffic, requires that the special measures for the prevention of pollution from vessels be more stringent than what international rules and standards provide for the prevention, reduction and control of pollution of the marine environment from vessels.[2]

11. In these circumstances, the Convention grants coastal States the option of making a submission to the competent international organization, which is recognized to be the International Maritime Organization (IMO), in consultation with any other States concerned. In their submission, coastal States must provide scientific and technical evidence in support of the claim that a clearly defined area requires special measures and information on necessary reception facilities. If IMO determines that the conditions in that area correspond to the requirements set out in article 211, paragraph 6, the coastal States may adopt laws and regulations for the prevention, reduction and control of pollution from vessels implementing such international rules and standards or navigational practices as are made applicable, through IMO, for special areas.[2]

12. The concept of "special areas" thus has a very specific meaning in the Convention and MARPOL and is confined to matters related to pollution of the marine environment from shipping. The expression "special area in the context of sustainable development" is not used in the Convention or in any other convention.[2] These legal instruments were set up before the recent progress in promoting the concept of sustainable development.

13. The concept of the Caribbean Sea as a "special area in the context of sustainable development" is still being elaborated by the Caribbean Sea Commission. The nature of the measures that would accompany the sea's designation as such has therefore not been specified. Hence, it is difficult, at this stage, to consider what the legal implications of such a designation would be. The financial costs for the operationalization of the Caribbean Sea Commission are detailed in the report of the Association of Caribbean States (see annex). Once the stipulations of the special area designation are defined, Caribbean States will most likely incur additional financial implications related to improving their capacity to adhere to the stipulations.

# IV. Activities undertaken at the national and regional levels

## A. Marine pollution

14. Pollution of the Caribbean Sea caused by land-based activities, marine accidents, inadequate waste management, and ballasting, inter alia, continues to cause severe environmental degradation, including coral bleaching, contamination of living marine resources and ecosystem disruption.

15. The impacts of wastewater on ecosystems are addressed through the Global Programme of Action for the Protection of the Marine Environment from Land-based Activities of the United Nations Environment Programme (UNEP) and through the Protocol Concerning Pollution from Land-based Sources and Activities

of the Cartagena Convention. The UNEP Caribbean Environment Programme continues to promote ratification of the Protocol in addition to facilitating national programmes of action. Major financial, technological and legislative constraints in national capacities to manage wastewater pollution have been identified, prompting the Caribbean Environment Programme to establish a Caribbean Regional Fund for Wastewater Management with support from the Global Environment Facility (GEF) and Inter-American Development Bank. Other projects include reducing pesticide run-off to the Caribbean Sea, which is ongoing in Colombia, Costa Rica and Nicaragua; the "Contaminated Bays" project, which addressed the issue of eutrophication resulting from excess inputs of nutrients to the coastal zone and adjacent international waters and was completed in 2009 in Cuba; and seminars held in seven countries of the wider Caribbean region on MARPOL, annex V, focusing on the issue of waste reception facilities and the operationalization of the special area provisions of annex V for those countries.

16. Efforts focusing on the mitigation of pollution caused by ballast water exchange were supported by the UNEP subprogramme on the assessment and management of environmental pollution, IMO and the Regional Marine Pollution Emergency Information and Training Centre for the Wider Caribbean. The first regional meeting of the Global Ballast Water Management Programme (GloBallast) task force was convened in 2009, with the objective of developing regional capacity to address ballast water management issues, assisting countries in implementing ballast water management legislation based on regional standards and promoting the ratification and implementation in the region of the International Convention for the Control and Management of Ships' Ballast Water and Sediment. This has resulted in the development of a draft regional strategy for Ballast Water Management in the wider Caribbean region.

17. To address the issue of oil pollution, the Caribbean Environment Programme provided support for the Regional Marine Pollution Emergency Information and Training Centre for the Wider Caribbean in the creation of a regional Caribbean island oil pollution response and cooperation plan, which provides a framework under which island States and territories may cooperate in responding to oil spill incidents. Furthermore, a proposal was developed in collaboration with IMO for the creation of a Caribbean training, research and experimental centre for accidental marine pollution to serve the wider Caribbean region as a self-sustaining regional operational centre responsible for practical training, research and experimentation on the effects of oil, chemical and marine pollution in tropical and subtropical waters.

## B. Living coastal and marine resource management

18. The Caribbean large marine ecosystem is a highly biologically complex area, home to a multitude of unique endemic species. Ongoing and increasing pressure on the living resources of the Caribbean Sea, owing to their unsustainable exploitation, pollution, climate change, as well as other ecosystem disruptions that result in loss of biodiversity, seriously threaten the livelihoods of the millions of people in the region who are entirely dependent on the Caribbean Sea.

19. In terms of coastal and marine conservation, the Caribbean Environment Programme continues to be an important mechanism for regional cooperation,

working closely with the Cartagena Convention regional activity centre for specially protected areas and wildlife, in particular on the listing of protected areas under the Protocol to the Convention, conservation of marine mammals and support to marine protected areas. The Caribbean Environment Programme has supported the "Caribbean Challenge" initiative, launched in 2008 to contribute towards a fully functional regional marine protected area network based on the commitments of the Global Island Partnership. While most Caribbean countries have established marine protected areas, only a small percentage of these are operational and have management plans. Most are "paper parks" in which no management occurs, largely due to budgetary constraints. Self-financing and self-sustainability of the marine protected areas continues to be a major challenge. The Caribbean Challenge aims to enhance the coherence and financial sustainability of a large-scale transboundary Caribbean marine protected area network; create a regional network of marine protected area sites; maintain a regional marine protected area database to support national decision-making; and build capacity for more effective marine protected area management.

20. An emerging threat to biodiversity in the region is that of invasive alien species from transboundary movements. Invasive alien species have dramatic effects on ecosystems and are a leading cause of species extinction. Islands are more prone to invasions because of the lack of natural competitors and predators that control populations in their native ecosystems. Effective responses remain hampered by inadequate quantitative data on the Caribbean and a low level of awareness of the threat and its impacts. The regional UNEP-GEF project on the theme "Mitigating the threats of invasive alien species in the insular Caribbean", implemented in the Bahamas, the Dominican Republic, Saint Lucia and Trinidad and Tobago aims to mitigate the threat of invasive alien species through national capacity-building, the preparation of national invasive alien species management strategies, the promotion of regional cooperation frameworks for the preparation of Caribbean-wide strategies.

## C. Non-living coastal resource management

21. The Caribbean region continues to face a number of environmental challenges, including waste management, water resource management and land degradation. Climate change and the resulting sea-level rise and increased coastal erosion continue to exacerbate these challenges.

22. Improvements to integrated freshwater basin-coastal area management in Caribbean small island developing States are being undertaken by UNEP and the United Nations Development Programme (UNDP) through implementation of a GEF-funded project focused on strengthening national capacity for sustainable aquatic resource and ecosystems management. One initiative will assist the Dominican Republic and Haiti in improving the joint management of the shared Artibonite watershed and in developing national integrated watershed action plans. Validated solutions to such key issues as land-based sources of marine pollution, water resource conservation and management, unsustainable land use and inappropriate agricultural practices are being developed with the aim of replicating these targeted national solutions to address common Caribbean small island developing States issues.

23. Inappropriate land use is considered one of the key threats to sustainable development in Caribbean small island developing States, diminishing freshwater supplies, impacting freshwater and coastal water quality and degrading coastal and nearshore habitats. Given the limited territorial scope of small island developing States and the complex land-water interactions, sustainable management of land resources is essential to the stability and resilience of critical ecosystem functions and services. To this end, UNDP is implementing a GEF-funded project on integrated watershed and coastal area management to strengthen national capacities for sustainable land management, thereby enabling participating countries to develop medium- to long-term strategies for addressing the threat of land degradation, including through capacity-building and the mainstreaming of sustainable land management principles into national development policies and strategies.

### D. Disaster management

24. In 2009, the Caribbean Disaster Emergency Response Agency formally changed its name to the Caribbean Disaster Emergency Management Agency, signalling a strategic shift in focus from disaster preparedness and response to comprehensive disaster management. The mandate of the organization has been broadened to include the adoption of disaster loss reduction and mitigation policies and practices, indicating that participating States are embracing policies, systems and programmes to address their vulnerability to the increased frequency, intensity and resulting damage of disasters, and the onset of climate change.

25. The magnitude of the disaster caused by the January 2010 earthquake in Haiti has underscored the urgent need for the support of the international community towards disaster preparedness, management and recovery in the Caribbean region. While the outpouring of humanitarian assistance and funding pledged for relief efforts in the aftermath of the disaster has been significant, the reconstruction process has been slow, hampered by inadequate local institutional capacity, poor coordination among humanitarian agencies and very limited disbursement of pledged funds.

26. Strengthening early warning systems and expanding a risk management framework complemented by insurance and re-insurance schemes would help enhance capacity for disaster management in the region. The Caribbean Catastrophe Risk Insurance Facility is a best practice implemented in the Caribbean region to continue in the proactive management of natural hazard risks.

## V. Bilateral donor support

27. Australia is working with regional organizations to strengthen disaster preparedness in the region by improving planning and risk reduction programmes, as well as helping the region prepare for and adapt to climate change. Australia has supported public awareness and education programmes on tsunami and other coastal hazards, disaster risk leadership training and disaster preparedness activities, including development of climate risk atlases in several countries. Additionally, Australia is offering scholarships to support studies in coastal and marine resource management.

28. Japan has contributed to the capacity-building activities of Caribbean countries on disaster management, including through its technical assistance to the Caribbean Disaster Emergency Management Agency in 2009, concentrating on flood risk. In the area of disaster prevention, Japan has approved a project through the Japan Social Development Fund of the World Bank to reduce the risk of landslides in vulnerable communities in Jamaica and to provide an evidence-based toolkit for vulnerability reduction throughout the Caribbean region. Japan has also continued to assist Caribbean countries in their efforts towards the sustainable management of marine resources through grant assistance for the construction and improvement of fishing facilities.

29. Portugal is sharing its experience and specialized knowledge on renewable energies with many small island developing States of the Caribbean region, with the aim of promoting their climate change mitigation and adaptation efforts. In this regard, Portugal hosted a seminar on renewable energies in June 2010 with the participation of about 30 small island developing States, largely from the Caribbean region. Portugal is also promoting information-sharing on the extension of the continental shelf, including through training seminars.

# VI. Conclusion

30. **The international community has demonstrated its commitment to the protection of the Caribbean Sea and the sustainable management of its resources. The member States of the Caribbean region have also continued to promote the integrated management of the Caribbean Sea as an ecosystem, with the aim of coordinating resources and efforts and of achieving greater harmony in the approach by and collaboration of countries across the wider Caribbean region.**

31. **The Caribbean Sea Commission, as the key regional entity for the governance of the Caribbean Sea, is gaining increased support from regional and international partners. The support is crucial to the Caribbean Sea Commission and the States of the Caribbean in advancing their efforts to stem the ongoing degradation of the Caribbean Sea.**

32. **With regard to the legal and financial implications of the designation of the Caribbean Sea as a "special area in the context of sustainable development", it should be noted that the concept of such a designation under the United Nations Convention on the Law of the Sea is still under development. Without further specification as regards the nature of the measures, it is difficult, at this stage, to consider what the legal implications of such a designation would be.**

# Annex

## Report of the Association of Caribbean States on progress made in the implementation of General Assembly resolution 63/214 entitled "Towards the sustainable development of the Caribbean Sea for present and future generations"

**Port of Spain, 30 July 2010**

## Introduction

1. The present report covers the activities of the Association of Caribbean States and its Caribbean Sea Commission in respect of actions highlighted in General Assembly resolution 63/214 entitled "Towards the sustainable development of the Caribbean Sea for present and future generations", and other issues, as set out in paragraphs 6 and 17.

2. The report specifically deals with the issues covered in paragraphs 3, 7, 9, 10, 11, 13, 15 and 16 of the resolution. Activities dealt with are:

- Institutionalization of the Caribbean Sea Commission
- International support for the Caribbean Sea Commission
- Progress with international agreements
- Marine biodiversity
- Disaster preparedness
- Human capacity
- Legal implications

## Progress made in the implementation of resolution 63/214

3. The wider Caribbean region is the most geopolitically complex and diverse region in the world. In the light of this and the large number of countries and organizations that are involved in sustainable development at multiple geographical and institutional levels, it is not possible to assemble all the information on what is being done towards improved ocean governance in the region. A different approach is required in a region such as the wider Caribbean. A network structure that will promote interaction among parties and access to each other's information and expertise is seen as a more effective and efficient means of collaboration than an approach that attempts to maintain extensive inventories of project expertise and information. It is proposed that one of the key roles of the Caribbean Sea Commission would be to establish and maintain a technical and policy-oriented network that could serve to address the critical issues facing the region's marine systems.

## Institutionalization of the Caribbean Sea Commission and its subcommissions

4. In the past two years, there has been considerable progress towards the institutionalization of the Caribbean Sea Commission as a key ocean governance mechanism for the wider Caribbean region and for achieving the goals of the Caribbean Sea Initiative. The Commission met on five occasions during the biennium: its 7th meeting, on 30 June 2008; its 8th meeting, on 23 January 2009; its 9th meeting, on 22 June 2009; its 10th meeting, on 6 October 2009; and its 11th meeting, on 14 June 2010.

5. At its 10th meeting, the Commission finalized the establishment of the three subcommissions and appointed co-chairs for them:

(a) Scientific and Technical Subcommission: co-chairs are the Centre for Resource Management and Environmental Studies, University of the West Indies, Barbados; and Centro de Investigaciones Marinas, Universidad de la Habana, Cuba;

(b) Governance, Outreach and Public Information Subcommission: co-chairs the Caribbean Community (CARICOM) and the Integration System of Central America (SICA);

(c) Legal Subcommission: co-chairs Oscar Monge Castro, Attorney-at-Law, Costa Rica, and Derrick Oderson, Attorney-at-Law, Barbados.

The first (inaugural) meeting of the Scientific and Technical Subcommission was held by teleconference on 9 March 2010, while the first (inaugural) meeting of the Legal Subcommission was held on 16 March 2010. There were also supporting meetings held by the Association of Caribbean States and the Caribbean Sea Commission during this period with assistance from donors and partners:

- A conference on the theme "The Caribbean Sea: harnessing and protecting a vital resource" was held at the University of the West Indies, Barbados on 1 July 2008, for over 70 regional participants, with the aim of promoting the work of the Commission and the Caribbean Sea Commission and of gaining support for them
- The 1st meeting of the Bureau of the Caribbean Sea Commission was held in Port of Spain on 13 August 2008
- The Conference on the Institutionalization of and International Cooperation by the Caribbean Sea Commission was held in Port of Spain on 6 and 7 August 2009 on the theme "The Caribbean Sea Commission: prospects and challenges in the governance of the Caribbean Sea as a special area in the context of sustainable development"

6. Planning for the operationalization of the Caribbean Sea Commission has progressed to the level of a proposal for a four-year implementation project. This was shared with member countries, regional partners and potential donors at an expert consultation on the operationalization of the Caribbean Sea Commission, held from 7 to 9 July in Barbados. The consultation was funded by the Government of Finland. Its purpose was:

- To share information on the plans for and status of the operationalization of the Caribbean Sea Commission with critical partners

- To obtain their feedback on the feasibility of the proposals and ideas for improvement of the plan
- To build a common vision of how the partners could work together to achieve the overall goal of ocean governance in the wider Caribbean region

The 54 participants attending the Consultation were from a wide range of countries and organizations. Overall, 30 regional organizations or organizations operating in the region were represented. There were over 30 technical presentations highlighting the work of the partners attending. Working groups discussed the three topics by addressing four questions on: (a) aspects of the approaches and proposals that seemed feasible and beneficial in making the Caribbean Sea Commission more effective; (b) aspects of the approaches and proposals that would cause the most difficulty for implementation; (c) aspects of the approaches and proposals to be changed or improved on order to make the Caribbean Sea Commission more effective; (d) What it would take to buy into the overall process. Working groups reported their conclusions and recommendations in the three topic areas.

7. Participants concluded the following: given that the Caribbean Sea was a common shared resource, the function of the Caribbean Sea Commission should be to oversee and promote the sustainable use of the Caribbean Sea as a whole; considerable expertise and information was available within the various groups represented, but was seldom used by decision makers, the likely reason being that many sources were unconnected to science-policy interfaces; there was a need for a regional science-policy interface; the Caribbean Sea Commission should focus on the connection between science, policymaking and policy coherence at the regional level; the proposed structure was workable with modifications and they were committed to working together to build that interface.

8. Participants offered a number of recommendations for consideration in the process of establishing the Caribbean Sea Commission. These fell under a number of thematic areas as follows:

(a) The Commission can promote cooperation at both regional and national levels by facilitating networking among existing formal bodies and promoting mechanisms needed to build consensus at national and regional levels. The Commission should work as much as possible through existing mechanisms and organizations to avoid overlaps and duplication of effort. It must clearly define its own role in relation to regional partners;

(b) National level inputs and engagement are critical for success since decisions of the Commission are implemented by countries. Mechanisms are therefore needed for obtaining national commitment for implementation;

(c) Clear planning should underlie the development of the Commission in all areas to produce clear definitions of the roles and functions of the Commission and its subcommissions as well as of the roles and responsibilities of partners. A strategic action plan that includes regular evaluation of programmes to identify strengths, weaknesses and effectiveness is needed;

(d) Legal arrangements are important, and ultimately a legally binding instrument, under which there could be consequences or sanctions, will be needed to protect the resources of the Caribbean;

(e) Dedicated financial and human resources are essential for the Commission to achieve its objectives, including both start-up and sustainable financing. The Commission needs a dedicated secretariat with staff, funding and an appropriate location in order to support its work and that of the subcommissions;

(f) Several key principles for success include: transparency of activities and open access to/sharing of information; inclusivity, with national and regional partners being fully engaged in planning and decision-making; efficiency and effectiveness, ensured through regular monitoring and evaluation;

(g) The information system to support the science policy interface should be distributed rather than be a central repository. It should provide a regional portal for data and information-gathering and interpretation. It should facilitate equitable access to information in participating countries and by all organizations in the region;

(h) Communication is critical to the success of the Commission, and information and communication strategies are needed for policymakers, national and regional partners and the general public. Communication should promote bringing science to policymakers and helping policymakers frame appropriate questions for scientists. Public information is a key element if the benefits of the Commission are to be recognized in the region;

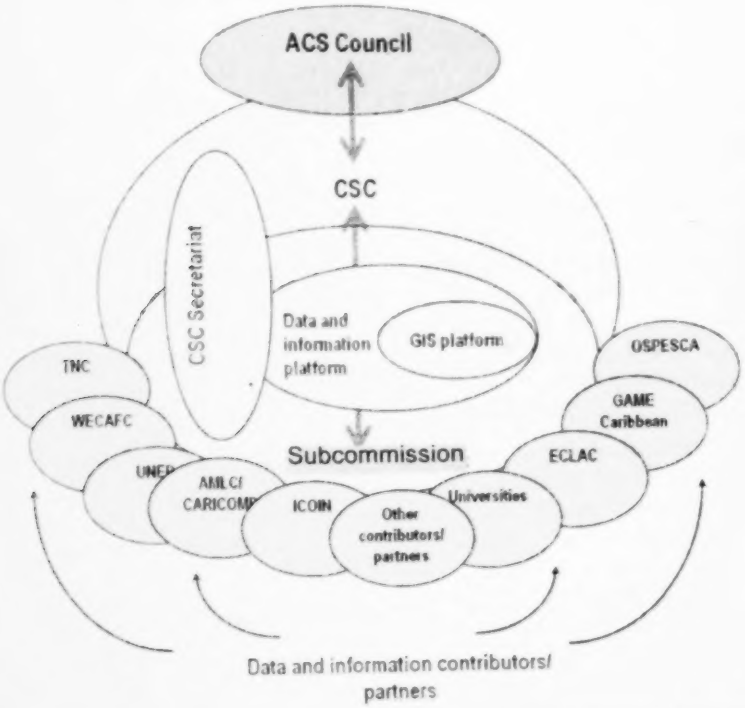
(i) Capacity-building is essential for success of the Commission, especially in terms of information systems, owing to the widely different capacities of the countries to provide and generate information.

In conclusion, it was agreed that the proposed structure and operation of the Commission could provide considerable added value to the current ocean governance arrangements in the wider Caribbean region.

9. The operationalization of the Commission is envisaged as being initiated through a first phase of four years duration with a focus on living marine resources of the wider Caribbean region, including their linkages with productive sectors such as fisheries and tourism, and with reference to the threats posed by climate change. The establishment of a regular reporting and advisory process for the wider Caribbean is seen as a key component of a functional science-policy interface for the region. The figure below illustrates how such a mechanism might be structured to link the key partners involved in ocean science and advisory processes in the region.

Figure

**Proposed structure of the data and information mechanism**




*Abbreviations*: ACS = Association of Caribbean States; AMLC/CARICOMP = Association of Marine Laboratories of the Caribbean/Caribbean Coastal Marine Productivity Program; CSC = Caribbean Sea Commission; ECLAC = Economic Commission for Latin America and the Caribbean; GAME Caribbean = Geospatial Assessment of Marine Ecosystems (Caribbean); GIS = Geographic Information System; ICOIN = International Conference on Information Networking; OSPESCA = Organización del Sector Pesquero y Acuícola del Istmo Centroamericano; TNC = The Nature Conservancy; UNEP = United Nations Environment Programme; WECAFC = Western Central Atlantic Fishery Commission.

The regular regional reporting and advisory process is timely, given the recent emphasis by the General Assembly on the establishment of a global regular process for reporting on the oceans. The adoption in 2009 by the Assembly of the recommendations of the Group of Experts established pursuant to resolution 60/30 for the "assessment of assessments", signals that this will be a priority activity for the United Nations in the coming years. The Commission will seek to link the establishment of its own regional monitoring and reporting mechanism to the global process and harmonize its outputs so that they can contribute directly to the latter.

10. As currently proposed, the overall mechanism will seek to establish a regional science-policy interface for ocean governance in the wider Caribbean region that will have the following characteristics:

- It will make best use of the full range of information and expertise available in the region by creating an effective network and platform for synthesis of information and provision of advice

- It will allow for communication and information flows both upwards from information sources through the synthesis mechanism to policymakers and downwards, in the reverse direction, for feedback and queries
- It will be regular and transparent

## International support for the Caribbean Sea Commission (Paragraphs 3 and 11)

11. Finland, the Republic of Korea and Turkey have provided significant financial support for the work of the Caribbean Sea Commission. Others, including Spain and the European Union, have expressed an interest in providing support. The funds provided by the Republic of Korea and Turkey have supported the operation of the Commission while the funds provided by Finland supported the expert consultation held in Barbados in July 2010 (see para. 6 above). The outputs of the consultation have made it clearer how the operationalization of the Commission will proceed and thus how the international community can best contribute to the process.

12. Given the partnership approach proposed as the basis of the mode of operation of the Commission, implementation of the Commission plan of action will require support at the country level as well as for the full range of regional intergovernmental and non-governmental organizations that comprise the partnership proposed. Ultimately, the Commission is not envisaged as a body that would implement technical projects. As evidenced by the information provided by partners at the expert consultation, local, national and regional partners are currently well placed to fulfil that role. Rather, the Commission is seen as the mechanism by which to build and enhance a network among partners, with a view to establishing a functional region-wide science-policy interface. In this way, the Commission can serve as a body for the coordination and exchange of experiences among States regarding their policies in the Caribbean and for strengthening existing mechanisms by promoting synergies and inter-institutional cooperation while respecting each organization's mandate.

13. The work of the Global Environment Facility (GEF) is seen as critically important to achieving sustainability in the wider Caribbean region (some key GEF-funded activities are referred to below). However, it should be pointed out that uptake of GEF funding in the region, especially in small island developing States, has been lower than it could be. Support has also been provided to the Association of Caribbean States and the Commission through the Academic Council of the United Nations (ACUNS) by the non-governmental organization One Earth Future for an assessment of country mechanisms and capacity for engagement with regional organizations and projects, which was carried out jointly by ACUNS and the University of the West Indies, Barbados.

## Progress with relevant international agreements (Paragraphs 7 and 10)

14. The United Nations International Maritime Organization (IMO) promotes the adoption of some 15 conventions and protocols that deal with pollution prevention and marine management. Levels of ratification/accession by member countries of

the Association of Caribbean States to the marine pollution conventions varies greatly, from 28 per cent for the 1996 Protocol to the Convention on the Prevention of Maritime Pollution by Dumping of Wastes and Other Matter (the London Convention, 1972) to 86 per cent for the International Convention for the Prevention of Pollution from Ships, 1973, as modified by the Protocol of 1978 relating thereto (annex I/II). Of the 29 Association of Caribbean States countries, Costa Rica, Haiti and the Turks and Caicos Islands are contracting parties to only one instrument, namely the London Convention. As has been the case for the maritime safety instruments, most ratifications/accessions to marine pollution conventions have taken place in the last decade (around 24 per cent). In particular, Aruba, Colombia, Cuba, El Salvador, Jamaica, the Netherland Antilles and St. Vincent and the Grenadines have become contracting parties to a number of conventions and protocols since 2008. These efforts have brought the total proportion of marine pollution convention ratifications/accessions to 63 per cent.

15. The Marine Environmental Protection Committee of IMO has established 1 May 2011 as the date on which the discharge requirements for the wider Caribbean region special area will take effect, under the International Convention for the Prevention of Pollution from Ships, 1973, as modified by the Protocol of 1978 relating thereto (MARPOL), annex V, on Regulations for the prevention of pollution by garbage from ships. That area, which includes the Gulf of Mexico and the Caribbean Sea, was designated as a special area under MARPOL, annex V, in July 1991. Most countries in the region have now given notice that adequate reception facilities have been provided in most relevant ports, so that the special area status can now be made effective. In annex V, special areas, disposal of all garbage into the sea, including plastics, is prohibited.

16. With regard to the Convention for the Protection and Development of the Marine Environment of the Wider Caribbean Region (the Cartagena Convention) and its three protocols, all but six member States of the Association of Caribbean States (Bahamas, Haiti, Honduras, Guyana, Nicaragua and Suriname) have become contracting parties to the Convention and the Protocol concerning cooperation in Combating Oil Spills in the Wider Caribbean Region. The Protocol concerning Specially Protected Areas and Wildlife to the Convention for the Protection and Development of the Marine Environment of the Wider Caribbean Region has an accession/ratification level of 46 per cent since Antigua and Barbuda, Guatemala, Jamaica, Mexico and the Turks and Caicos Islands are signatories only to the protocol. The Protocol concerning Pollution from Land-based Sources and Activities in the wider Caribbean region is not yet in force, with only six countries having become contracting parties and six having signed. Reports from countries participating at the fifth meeting of the interim scientific, technical and advisory committee to the Protocol in May 2010, indicate that several anticipate ratification in the upcoming biennium.

17. One member State of the Association of Caribbean States, the Dominican Republic, ratified the United Nations Convention on the Law of the Sea in 2009, bringing the total number of ratifications by such member States to 22. There have been no further ratifications in the last biennium of the Agreement for the Implementation of the Provisions of the United Nations Convention on the Law of the Sea of 10 December 1982 relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks, resulting in a total of seven ratifications by the Association of Caribbean States member States.

## Programmes to halt the loss of marine biodiversity (Paragraph 9)

18. As previously indicated, member countries of the Association of Caribbean States and organizations within the region have a large number of activities, many of which are at the local level, aimed at addressing biodiversity loss in coastal and marine ecosystems. While some of the activities focus specifically on marine biodiversity, most take a broader approach to sustainability and include aspects of livelihoods and governance. A complete inventory of the activities is not feasible in the present report, but there are some notable regional efforts linked to the Commission that can be highlighted.

19. The work of the Caribbean Environmental Programme of the United Nations Environment Programme (UNEP), based at the Regional Coordinating Unit in Jamaica, continues to be central to progress regarding the sustainable use of the marine resources of the wider Caribbean region. Through its responsibility for oversight of the Cartagena Convention and its protocols, the Caribbean Environment Programme-Regional Coordinating Unit plays a wide-ranging and critical role in biodiversity conservation, establishment of coastal and marine protected areas and reduction in marine pollution from land-based and marine sources.

20. Other regional organizations with key responsibility for sustainable use of living marine resources, such as the CARICOM Caribbean Regional Fisheries Mechanism, the SICA, the Organización del Sector Pesquero y Acuícola del Istmo Centroamericano (OSPESCA) and the Environment and Sustainable Development Unit of the Organization of Eastern Caribbean States continue to strengthen and move towards fuller adoption and implementation of an ecosystem-based approach as a target of the World Summit on Sustainable Development.

21. A significant GEF-funded joint initiative of the United Nations Educational, Scientific and Cultural Organization, the Intergovernmental Oceanographic Commission, the Intergovernmental Oceanographic Commission Subcommission for the Caribbean and Adjacent Regions and the United Nations Development Programme is the Caribbean Large Marine Ecosystem Project (2009-2013), which involves 26 countries and focuses on transboundary living marine resource governance in the region. The project has a suite of project components that are focused on improved ocean governance. Three of the components relate directly to supporting the Caribbean Sea Initiative and the Commission. They include: developing a regional monitoring and reporting process for the oceans and developing a science-policy interface for the Caribbean Sea and adjacent areas, with both initiatives recognizing the Commission as a key regional policy body for marine affairs. The Caribbean Large Marine Ecosystem Project has been developed to interface with the Commission to promote ocean governance.

22. Another substantial regional activity, begun in 2010, also recognizes the Commission as a key regional policy body for marine affairs, the European Union-funded Future of Reefs in a Changing Environment Project (2010-2014). The project involves 14 European and 7 regional partners and aims to assess coral reefs at a regional level and to provide policy and management advice to countries and regional organizations. It is structured in such a manner that its policy advice will be developed in the context of the Commission and other regional organizations. Similarly, the project entitled "Strengthening principled ocean governance networks:

transferring lessons from the Caribbean to the wider ocean governance community", funded by the Nippon Foundation of Japan, takes a regional approach to ocean governance and recognizes the Commission as a key regional body.

23. Ecosystem-based management is fundamental to both sustainable use of marine resources and marine biodiversity conservation in the wider Caribbean region. Significant progress towards marine ecosystem-based management by 2010 is a World Summit on Sustainable Development target. During the biennium, there has been progress on several fronts while moving towards marine ecosystem-based management for the wider Caribbean region. The Caribbean Large Marine Ecosystem Project has reoriented its activities to take an ecosystem-based approach and will be pursuing this through the FAO ecosystem approach to fisheries of the Food and Agriculture Organization of the United Nations. Ecosystem-based management principles have been incorporated into the common fisheries policy that is being developed for CARICOM countries by the Caribbean Regional Fisheries Mechanism and are already present in the programmes and plans of OSPESCA. In December 2008, a sponsored symposium on marine ecosystem-based management sponsored by the Nippon Foundation project (see para. 22 above) and involving participanis from 18 Association of Caribbean States countries, was held to support the efforts of the Caribbean Large Marine Ecosystem Project and the Commission.

24. The GEF-funded UNEP Implemented Integrated Watershed and Coastal Area Management Project is also a substantial regional initiative, which began in 2007, involves 16 small island developing States and focuses on inland and coastal impacts on the marine environment. The GEF-funded Gulf of Honduras Project that involves Belize, Guatemala and Honduras seeks to maintain and improve the security and efficiency of international maritime operations and to prevent marine contamination caused by ships, as well as by the illegal discharge in terrestrial sources of contaminants that are highly dangerous and toxic for human and animal life and marine coastal ecosystems.

25. The main point to be made here is that there is growing recognition of the key role to be played by the Commission as a regional ocean governance body. Increasingly, projects and programmes are being developed to support this role. The success of the Commission in fulfilling this role will depend upon the establishment of effective linkages and cooperation with the many regional and subregional organizations already engaged in specific subject or geographical areas of ocean governance. The expectation is that the Commission will complement the activities of those organizations by serving as a regional policy body that integrates their work.

## Disaster prevention, preparedness, mitigation, management, relief and recovery (Paragraphs 13 and 16)

26. Natural disasters continue to have significant social and economic impacts in member States of the Association of Caribbean States. The Economic Commission for Latin America and the Caribbean (ECLAC), including the subregional headquarters for the Caribbean based in Port of Spain, is a key organization with regard to disaster management. Its activities include the conduct of post-disaster

assessments, capacity-building activities to address disasters and preparation of technical information on disasters. Post-disaster assessment has been carried out for three States. In the Cayman Islands, with regard to Hurricane Paloma, the total impact of the damage amounted to $154.4 million, the equivalent of 7.4 per cent of gross domestic product. For the Turks and Caicos Islands, with regard to Tropical Storm Hannah and Hurricane Ike, the total impact of the damage of both systems was estimated at $213.6 million. In the case of Belize, with regard to Tropical Depression 16 in 2009, the financial costs were moderate, with the total impact of the damage being estimated at $27.1 million.

27. In order to demonstrate its commitment to providing support to small island developing States in the implementation of the Mauritius Strategy, ECLAC has established the post of Regional Adviser, which would also service the role of coordinator of the regional coordinating mechanism supported through the establishment of a technical advisory committee. The Regional Adviser provides leadership and direction in the administration and execution of regional coordinating mechanism activities and primarily coordinates disaster risk reduction initiatives for the Caribbean subregion.

28. ECLAC has continued to provide training on the ECLAC damage and loss assessment methodology for the evaluation of natural disasters. It has been instrumental in the preparation of technical information on disasters. A number of salient issues in disaster risk reduction in the education sector have been identified for the attention of policymakers in Caribbean small island developing States. Such issues include the safety of schools, the use of schools as shelters, the knowledge of disaster risk reduction of students and teachers and the psychosocial trauma of children.

29. During the ECLAC assessment of affected populations following natural disasters in the Caribbean, the issue of the psychosocial trauma of children and families was often brought to its attention. The term psychosocial relates social conditions to a person's mental health. Following catastrophic events, such as earthquakes, hurricanes, tsunamis or volcanic eruptions, people may experience physical or psychological trauma. Such trauma may result in realistic or unrealistic stresses and fears being aroused, which can overwhelm the abilities of individual and communities to cope.

30. An area of focus in disaster risk reduction is that of infrastructure management. Where construction of new infrastructure is the issue, strengthened compliance with the building codes for the Caribbean is necessary. This, combined with more widespread use of vulnerability assessments to ensure best use of locations appropriate to new educational facilities, would go a long way in addressing the disaster risk reduction needs of the infrastructure in the education sector. A second area of focus is the ability of the sector to fulfil its primary role of imparting knowledge to its beneficiaries. Most ministries of education in the subregion have begun this process, but far more needs to be done to increase knowledge among its target population regarding the multi-hazard nature of Caribbean small island developing States and measures for disaster risk reduction. A third area of focus is strengthening the capacity to monitor and evaluate the level of success in implementing disaster risk reduction measures within the sector and the impact of extreme events on school populations.

31. Enabling the fulfilment of such an agenda in the Caribbean requires a number of actions. Among them are formal recognition by governments and ministries of education of the importance and urgency to include disaster risk reduction as a priority for the development policy of the ministries. Another is for the inclusion of disaster risk reduction in school curricula, either through infusion or stand-alone courses. The scaling-up of disaster risk reduction knowledge management, particularly research, to support decision-making is another area that requires attention since knowledge about disaster risk reduction is rapidly expanding.

## Development of a human resource capacity (Paragraph 15)

32. There is a full spectrum of initiatives in the wider Caribbean region that contributes to building capacity for sustainable development at many levels, from local to regional. These include training for persons by community-based organizations, national governments and regional organizations, with short courses as well as long-term programmes leading to certification. Capacity-building is offered by non-governmental organizations, governments, tertiary level institutions and regional organizations throughout the region, often in partnership with extra-regional partners and donors. A regional example of short-term training includes an advanced leadership training workshop for heads of fisheries departments in CARICOM States, organized by the Caribbean Regional Fisheries Mechanism and the University of the West Indies, with support from the United Nations University. Another regional example that highlighted the role of the Commission as a regional ocean governance body was the International Ocean Institute training module on law of the sea and principled ocean governance for the Caribbean, held in May 2010. The training was delivered to over 40 professionals, including in government, the private sector and the non-governmental organization community, from 16 Association of Caribbean States countries through a collaborative effort between University of the West Indies, Dalhousie University, Canada, and the Nippon Foundation.

33. A key point regarding building capacity for regional ocean governance is that it is a multifaceted endeavour. The networking approach that is being developed for the operation of the Commission is being designed to facilitate that approach to capacity-building. While training is an essential aspect, capacity-building goes far beyond training. Much of what needs to be learned for ocean governance will be best achieved in a "learning by doing" mode. The Commission model is aimed at learning while implementing with partners and building capacity jointly. This builds adaptive capacity and resilience. Therefore, what is critically needed to make progress with this comprehensive view of capacity-building, is support to move forward with the operationalization of the Commission.

## Legal and financial implications of the concept of the Caribbean Sea as a special area within the context of sustainable development

34. The financial implications for the operationalization of the Commission are currently being estimated. A preliminary estimate for the first four-year phase addressing living marine resources only is in the order of $1.5 million over four

years. This is a minimum estimate of the funds required for start-up. The revised estimate will be based on the information gathered at the expert consultation in July 2010.

35. It must be noted that the cost of making operational the Commission is only a small part of the total cost that would be involved in moving the wider Caribbean region towards sustainable use of the coastal and marine ecosystems. The other costs would involve strengthening the capacity of Association of Caribbean States member countries and partner organizations to play their role in coastal and ocean governance as conceived at the expert consultation. The cost implications of this endeavour are far-reaching in terms of acquisition of data and information, analysis, provision of advice and implementation of decisions.

36. One important financial aspect of resolution 63/214 is the need for greater appreciation for the coastal and ocean resources of the wider Caribbean region both in terms of their use value as well as their non-use value, which supports tourism and the recreational and cultural activities of local populations. Understanding and accounting for these values is an important component of elaborating the financial implications.

37. With regard to the legal implications of the designation of the Caribbean Sea as a special area in the context of sustainable development, it should be noted that the concept of such a designation under the United Nations Convention on the Law of the Sea is still under development and that the nature of the measures that would accompany the designation remains to be specified. Without further specification as regards the nature of the measures, it is difficult, at this stage, to consider what the legal implications of such a designation would be. As the role of the Caribbean Sea Commission in regional ocean governance emerges through regional consultation and in practice, the extent to which the legal implications can be pursued in the context of relevant global and regional instruments, or will require further legal instruments, will become clearer.